


INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1061822/U#13-15

TO: Chief Administrator 

FROM: Inv. Darren Bowens, #124

SUBJECT: LOG# 1061822/U#13-15

OFFICER

INVOLVED #1: Roth, Robert, Star# 12916, Unit 011, male white, Employee# [REDACTED], DOB: [REDACTED], DOA: 30 SEPTEMBER 2002, on-duty, working in uniform, working Beat 1115R.

OFFICER #1 Glock, Semi-Automatic, Model 21, .45 cal., 4 inch barrel, serial # [REDACTED].

WEAPON:

OFFICER #1

INJURIES: None reported.

SUBJECT: [REDACTED] black male, DOB: 1 [REDACTED], [REDACTED]. Central Park Avenue.

SUBJECT

WEAPON: 12 gauge blue steel "sawed-off" pump style shotgun, make and model unknown, serial # [REDACTED]

SUBJECT

INJURIES: Gunshot wounds to the left forearm and elbow.

INITIAL

INCIDENT: PO Roth and his partner (PO Paul Powers, #12253), responded to a call of a man with a gun.

DATE/TIME

OF INCIDENT: 28 APRIL 2013 at approximately 0428 hours

LOCATION: 741 N. Central Park Avenue

BEAT: 1121

SUMMARY OF INCIDENT:

Officers Roth and Powers were responding to a call of a man with a gun in the vicinity of 3600 W. Franklin Street. A female (now known to be [REDACTED]) waived down the officers and informed them that a man (now known to be [REDACTED]) pointed a "big gun" at her. [REDACTED] pointed to the vehicle that Mr. [REDACTED] was in. The officers approached Mr. [REDACTED] with their emergency lights activated, at which time Mr. [REDACTED] curbed his vehicle. Officer Roth approached the passenger side of Mr. [REDACTED] vehicle and Officer Powers approached the driver's side of the vehicle. Mr. [REDACTED] was seated alone in the vehicle, behind the steering wheel in a crouched position. Officer Powers ordered Mr. [REDACTED] to show his hands. As Mr. [REDACTED] shifted from his crouched position, Officer Roth observed Mr. [REDACTED] pointing a shotgun in his direction. Officer Roth discharged two rounds toward Mr. [REDACTED] who then fled in his vehicle. After a short vehicle pursuit, Mr. [REDACTED] was placed in custody.

INVESTIGATION:

In a statement to Detectives on 28 APRIL 2013, Subject [REDACTED] related that a party from another block had carried onto his block. Mr. [REDACTED] exited his residence and asked a group of individuals to be quiet. In the process of speaking to the group of individuals, Mr. [REDACTED] heard gunshots. Mr. [REDACTED] then entered a blue vehicle being driven by a Travis Cook. As they were driving, Mr. [REDACTED] and Mr. Cook observed several police vehicles in the area. Suddenly, Mr. Cook jumped from the moving vehicle.

Mr. [REDACTED] slid over to the driver's seat and took control of the vehicle. Moments later, Mr. [REDACTED] was stopped by uniformed officers (now known to be Officers Roth and Powers) in a marked vehicle. The officers approached the vehicle from the driver and passenger side. Mr. [REDACTED] raised his hands above his head to show the officers that he was being compliant. Mr. [REDACTED] related that the officer (Officer Roth) on the passenger side of the vehicle then shot him in his arm. Thereafter, Mr. [REDACTED] stated that he "took off" (fled in the vehicle) to avoid being shot again.

Mr. [REDACTED] stated that he drove several blocks before he stopped and exited the vehicle. Mr. [REDACTED] surrendered to the officers by raising his hands above his head. When it was related to Mr. [REDACTED] that Officer Roth shot him because he pointed a shotgun toward him, he responded, "if there was a shotgun inside the vehicle, it was there before he entered the vehicle." Mr. [REDACTED] stated that the shotgun belonged to Mr. Cook. Mr. [REDACTED] then went on to relate that he had did not observe or touch a shotgun. When Mr. [REDACTED] was informed that the officer's vehicle was equipped with in-car camera and that it captured him throwing the shotgun from the vehicle, Mr. [REDACTED] admitted to throwing a shotgun from the driver's side window of the vehicle. Mr. [REDACTED] related that the shotgun was on the floor of the vehicle, and that as he reached to grab the shotgun to throw it out the window he was shot. (Att. #37).

In a **statement to the State's Attorney's Office** on 28 APRIL 2013, **Subject** [REDACTED] related that he was near his home drinking when he became tired. Mr. [REDACTED] went to his girlfriend's vehicle and fell asleep in the front passenger seat. Mr. [REDACTED] was in a semi-state of sleep when an individual known as Travis Cook entered the driver's seat of his girlfriend's vehicle. Mr. [REDACTED] stated that Mr. Cook was in possession of an unknown object, wrapped in a bag. Later, Mr. [REDACTED] found out that the object was a shotgun that Mr. Cook had wrapped in the bag. As Mr. Cook proceeded to drive away in the vehicle, he observed several police vehicles behind him. Mr. Cook opened the driver's door and jumped from the moving vehicle. Mr. Cook then fled in an unknown direction.

Mr. [REDACTED] moved to the driver's seat and took control of the moving vehicle. Moments later, Mr. [REDACTED] observed the police behind him and curbed the vehicle. As officers exited their marked vehicle, Mr. [REDACTED] raised his hands above his head. The officers announced their office to Mr. [REDACTED] and informed him that they were responding to a call of a "man with a gun." The officers approached the vehicle from the passenger and driver side with their weapons drawn. Mr. [REDACTED] stated that the officer on the passenger side (Officer Roth) must have observed the shotgun, which was on the passenger side floor. Officer Roth discharged his weapon through the passenger side window striking Mr. [REDACTED] in the left arm. Mr. [REDACTED] stated that he then drove away, because he was in shock from being shot.

As Mr. [REDACTED] was fleeing from the officers, he threw the shotgun out the driver's side window. Moments later, Mr. [REDACTED] ran his vehicle into a brick wall. Mr. [REDACTED] exited the vehicle, laid face down on the ground and waited for the officers to place him in custody. Mr. [REDACTED] related that the shotgun did not belong to him, and that he did not point the shotgun at any officer. (Att. #37).

Mr. [REDACTED] refused to provide a statement to IPRA by invoking his 5th Amendment Right. (Att. #8, 9).

Mr. [REDACTED] **Arrest Report** states that he was charged with Unlawful Use of a Weapon, 2 counts of Aggravated Assault, Possession of a Controlled Substance, and 2 counts of Resisting Arrest. The narrative relates essentially the same account as the Summary of Incident. In addition, it related that Mr. [REDACTED] stiffened, pulled away, and struggled with officers as they attempted to place him custody. A custodial search of Mr. [REDACTED] revealed him to be in possession of 13 small zip lock baggies containing suspect crack cocaine. According to the Visual Check of Arrestee Section, there was no obvious pain or injury to Mr. [REDACTED] (Att. #17).

In an **Original Case Incident Report (HW251022)** Ms. Lejeanna Kelly related to officers that earlier in the day, an individual, now known to be [REDACTED] [REDACTED] had a physical altercation with her boyfriend, Robinson Parnelius. Later that day, Mr. [REDACTED] exited his vehicle with a shotgun and approached [REDACTED] Mr. [REDACTED] pointed the shotgun toward [REDACTED] and stated, "I should get on some mama shit." Per [REDACTED] some unknown males stated to Mr. [REDACTED] "They cool they ain't got shit to do with it."

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Thereafter, Mr. [REDACTED] entered his vehicle and drove away. [REDACTED] called 911 to report the incident. (Att. #22).

In a **Tactical Response Report**, **Officer Roth** identified Mr. [REDACTED] as an Assailant-Assault. Mr. [REDACTED] did not follow verbal direction, he fled, and he was an imminent threat of battery in that he pointed a shotgun at Officer Roth. Officer Roth's response to Mr. [REDACTED] actions were member presence, verbal commands, and firearm discharge. Officer Roth fired 2 shots, toward Mr. [REDACTED] at a distance of 1-5 feet. Mr. [REDACTED] refused to provide a statement to the Watch Commander. (Att. #18).

In an **Officer's Battery Report**, Officer Roth related that he did not sustain any injury, and that Mr. [REDACTED] type of threat was a firearm. (Att. #19).

In a **Tactical Response Report**, **Officer Powers** identified Mr. [REDACTED] as an Active Resister, in that he did not follow verbal direction, he stiffened, and pulled away. Officer Powers' responses to Mr. [REDACTED] actions were member presence, verbal commands, open hand strikes, and takedown/emergency handcuffing. (Att. #16).

In a **Tactical Response Report**, **Officer Lara** essentially related the same account as Officer Powers did in his Tactical Response Report. In addition, Officer Lara related that she applied a wristlock and arm bar to Mr. [REDACTED]. However, Officer Lara did not apply an open hand strike to Mr. [REDACTED] as Officer Powers did. (Att. #38).

A **canvass** was unsuccessful in locating any witnesses to this incident. However, a surveillance video was obtained from Chicago Hot Glass, located at 1250 N. Central Park Avenue. (Att. 24).

POD #037 located at 800 N. Central Park Avenue, captured several marked Department vehicles northbound on Central Park Avenue with their emergency lights activated. The vehicle that Mr. [REDACTED] was driving was not observed on the video, which is likely due to the continuous rotation of the POD. (Att. 48).

Surveillance Video from Chicago Hot Glass was unable to be viewed as it was incompatible with IRPA video equipment. Furthermore, this video would not have captured the shooting, as it is located at 1250 N. Central Park Avenue, and this shooting occurred at 741 N. Central Park Avenue. (Att. #43).

There was **no in-car camera video** found relative to this incident. (Att. #42).

According to the **Chicago Fire Department Ambulance Report**, Mr. [REDACTED] chief complaint was a through and through gunshot wound that he sustained to his left forearm. No other wounds or injuries were observed to Mr. [REDACTED]. Ambulance #33 transported Mr. [REDACTED] to Stroger Hospital for medical care. (Att. #46).

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Mr. [REDACTED] **medical records** from Stroger Hospital relate that, per the Chicago Police Department, Mr. [REDACTED] pulled a gun on the police, who fired back, shooting him in the arm. Mr. [REDACTED] was diagnosed with two gunshot wounds to his left forearm and left elbow. Mr. [REDACTED] was treated and discharged into police custody.

The **Illinois State Police** examined Officer Roth's weapon and found it to be in firing condition. Mr. [REDACTED] shotgun was examined and found to be operable. (Att. #34).

In a **statement** to IPRA, **Witness** [REDACTED] related that she had just left a nightclub with her friend, Michelle Heard, and her boyfriend, Parnelius Robinson. They drove to a gas station to buy some cigarettes, when they came across some of Mr. Robinson's friends. Mr. Robinson's friends told him to meet them on Monticello and Franklin, which they did. [REDACTED] and Ms. Heard went into the alley to urinate, and when they returned, they observed Mr. Robinson fighting with an unknown individual (now known to be [REDACTED]). [REDACTED] pulled Mr. Robinson away from the fight and they walked home. [REDACTED] vehicle had run out of gas. [REDACTED] returned to the scene and pushed her vehicle to the curb, and Ms. Heard assisted [REDACTED] in doing so. Mr. [REDACTED] approached them in a vehicle, and pulled alongside [REDACTED]. Mr. [REDACTED] exited the vehicle and pulled out a "big gun." Mr. [REDACTED] pointed the "big gun" toward [REDACTED] and stated, "Where dude at?" [REDACTED] told Mr. [REDACTED] that they did not have anything to do with Mr. Robinson. An unknown black male then stated to Mr. [REDACTED] "They ain't on that, they ain't on that." Mr. [REDACTED] then stated words to the effect, "I should do some mama shit (shoot them)." Mr. [REDACTED] entered his vehicle and drove away.

[REDACTED] and Ms. Heard walked to her home, where she called 911. From her apartment, [REDACTED] still had a visual of Mr. [REDACTED]. When officers arrived, [REDACTED] directed the officers to Mr. [REDACTED] location. [REDACTED] did not observe any interaction between the officers and Mr. [REDACTED] but she believed that she heard one gunshot. Later on, Officers returned to [REDACTED] residence to have her sign a complaint. Per [REDACTED] Ms. Heard did not wish to be involved in this investigation. (Att. #16, 35).

In a **statement** to Detectives and the States Attorneys Office, **Witness** [REDACTED] essentially related the same account of the incident as she did in her statement to IPRA. In addition, [REDACTED] positively identified Mr. [REDACTED] in a computer generated photo spread. (Att. #37).

In a **statement** to IPRA, **Involved Officer Robert Roth** related that he and his partner, Officer Powers, were working in a marked Ford Crown Victoria. Per Officer Roth, their vehicle was equipped with a PDT, but not an in-car camera. Officer Powers was the driver and Officer Roth was the passenger. Officer Powers related that they had monitored an OEMC call of a person with a gun, and that they proceeded to the address of incident. As they arrived in the vicinity of incident, Officers Powers and Roth observed a black female (now known to be [REDACTED]) waving her hands, shouting,

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and motioning for them to approach her. [REDACTED] pointed to a car that was down the street, and informed the officers that Mr. [REDACTED] had a "big ass gun." Thereafter, Officer Powers and Roth proceeded to approach Mr. [REDACTED]

Officer Roth radioed for other units to respond to the scene and provided a description of the vehicle Mr. [REDACTED] was in. After the officers activated their emergency lights, Mr. [REDACTED] curbed his vehicle. Officer Roth approached the passenger side of Mr. [REDACTED] vehicle and Officer Powers approached the driver's side of the vehicle. Upon exiting the squad car, Officer Roth had drawn his weapon. Officer Roth illuminated the inside of Mr. [REDACTED] vehicle with a flashlight, as he and Officer Powers repeatedly stated to Mr. [REDACTED] "Hands, hands, let's see your hands." Mr. [REDACTED] was hunched over, his hands were not visible, and he did not make eye contact with Officers Roth and Powers. As Mr. [REDACTED] rose from his hunched position, Officer Roth saw the barrel and wooden handgrip of a shotgun. Mr. [REDACTED] had the shotgun aimed towards Officer Roth's head.

In fear for his life, Officer Roth raised his weapon and discharged two shots toward Mr. [REDACTED]. Mr. [REDACTED] then fled in his vehicle. Officers Roth and Powers returned to their vehicle and pursued Mr. [REDACTED]. Officer Powers radioed that shots had been fired and Officer Roth radioed their location during the pursuit. Mr. [REDACTED] drove around a squad car and then drove toward a dead end street. Mr. [REDACTED] vehicle slid against a curb/viaduct and came to a stop. Officers Roth and Powers exited their vehicle, drew their weapons and pointed them toward Mr. [REDACTED]. Officers Roth and Powers believed that Mr. [REDACTED] was still armed. Mr. [REDACTED] exited his vehicle with his hands in the air.

Mr. [REDACTED] complied with Officers Roth's and Powers' command to get on the ground. Officer Roth placed his knee on Mr. [REDACTED] back, and his weapon in a "sole position" (weapon drawn, but not pointed toward anyone). Officer Powers and responding officers attempted to gain control of Mr. [REDACTED] hands to place him in custody. However, Mr. [REDACTED] stiffened, clenched one of his hands, and refused to allow officers to gain control of it. Ultimately, officers gained control of Mr. [REDACTED] hand and were able to place him in custody. Thereafter, Mr. [REDACTED] was placed in a squad car, and officers searched his vehicle for the shotgun. Officers did not find the shotgun in Mr. [REDACTED] vehicle.

Moments later, Mr. [REDACTED] shotgun was found by assisting officers who had retraced the route of the vehicle pursuit. Upon arriving at the location where the shotgun was found, Officer Roth confirmed that it was the same shotgun that Mr. [REDACTED] had in his possession. Mr. [REDACTED] was asked by an unknown officer if he had been shot, but he did not respond to the question. Officer Roth stated that there was no sign (blood) that Mr. [REDACTED] had been shot. Officer Roth stated that Officer Powers did not discharge his weapon, and from his understanding it was because Officer Powers did not observe Mr. [REDACTED] to be in possession of the shotgun. Officer Powers related that he did not have a taser or ASP on his person during this incident. Per Officer Roth, Mr. [REDACTED] did not discharge his shotgun. (Att. 13, 41).

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In a **statement** to IPRA, **Witness Officer Paul Powers** essentially related the same account of the incident as Officer Roth. In addition, Officer Powers related that he drew his weapon upon initially exiting the squad car, and due to the nature of the call. Officer Powers stated that he had his gun directed toward Mr. [REDACTED] vehicle. Officer Powers related that Officer Roth was closer to Mr. [REDACTED] vehicle than he was, and that Officer Roth discharged two consecutive rounds towards Mr. [REDACTED] as Mr. [REDACTED] moved about in his vehicle. Upon returning to their squad car to pursue Mr. [REDACTED] Officer Roth informed Officer Powers that Mr. [REDACTED] had a shotgun. Officer Powers stated that as he attempted to place Mr. [REDACTED] in custody, he performed a hand strike to Mr. [REDACTED] face. Officer Powers stated that Mr. [REDACTED] resisted by stiffening and pulling his arm away to avoid being handcuffed. Officer Powers stated that he did not discharge his weapon because from his viewpoint, he did not see/know that Mr. [REDACTED] was in possession of a shotgun. Upon returning to the district station, Officer Powers related that he and Officer Roth learned that Mr. [REDACTED] sustained a gunshot wound to his left forearm. Officer Powers related that Mr. [REDACTED] never informed him or Officer Roth that he was shot. (Att. 11, 39).

In the **Original Case Incident Report (HW250994)** Officers Roth and Powers essentially related the same account of the incident to Detectives as they related in their statement to IPRA. (Att. #37).

In a **statement** to Detectives, **Witness Officer Carlos Delgado, #2814, Unit 011, Beat 1111R**, related that he was working 1st Watch with Officer Abraham Lara, #19429. Officer Delgado stated that he and his partner responded to a call of a "man with a gun." As they responded to the address of incident, they came across [REDACTED] who was standing on a corner yelling, "His bitch ass is down there!" [REDACTED] was pointing northbound where a Department vehicle had it's emergency lights activated and Mr. [REDACTED] vehicle curbed. Officer Delgado heard two gunshots come from the direction of the vehicles, and immediately heard Beat 1115R (Officer Roth and Powers) state over the radio "shots fired." Beat 1115R then radioed that they were in a vehicle pursuit. Officer Delgado engaged in the pursuit to assist Beat 1115R. After a short pursuit Officer Delgado observed Mr. [REDACTED] vehicle stopped on the sidewalk. Mr. [REDACTED] was lying on the ground as Officers Powers and Roth attempted to place him in custody. Officer Delgado assisted in placing Mr. [REDACTED] in custody. (Att. #37).

In a **statement** to Detectives, **Witness Officer Lara** essentially related the same account of the incident as Officer Delgado. In addition, Officer Lara related that Mr. [REDACTED] was "flailing his arms wildly" to defeat being handcuffed. Officer Lara applied a wrist lock and arm bar technique to Mr. [REDACTED] to get him to comply. (Att. #37).

In a **statement** to Detectives, **Witness Officer Eric Landorf, #10816, Unit 011, Beat 1113R**, related that he was working 1st Watch with Officer Jeffrey Kraushaar, #14833. Officer Landorf related that he and his partner responded to a call of a "man with a gun." As Officer Landorf and his partner responded to the scene they heard Beat 1115R via radio state, "shots fired." Via radio, Officer Landorf monitored the vehicle pursuit by Beat 1115R. Upon arriving at the scene, Officer Landorf observed Beat 1115R

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attempting to place Mr. [REDACTED] in custody. Officer Landorf assisted in placing Mr. [REDACTED] into custody by restraining Mr. [REDACTED] legs. Officer Landorf conducted a custodial search of Mr. [REDACTED] which revealed Mr. [REDACTED] to be in possession of 13 packs of suspect cocaine. (Att. #37).

In a **statement** to Detectives, **Witness Officer Kraushaar** essentially related the same account of the incident as Officer Landorf. However, Officer Kraushaar did not relate that he assisted in placing Mr. [REDACTED] in custody. (Att. #37).

Chicago Police Department Evidence Technician Photographs and Videotape show photographs of Mr. [REDACTED] the bullet wound he sustained, and his clothing. Also, the aftermath of the crime scene which include the vehicle driven by Mr. [REDACTED] against a viaduct wall, miscellaneous items about the interior and trunk of the vehicle, the bullet that was retrieved from the interior panel of the driver side door, and photographs of the recovered shotgun. (Att. #40).

CONCLUSION AND FINDING:

This investigation revealed that the use of deadly force by Officer Roth was in compliance with the Chicago Police Department Policy pertaining to the use of Deadly Force. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "A sworn member is justified in using force likely to cause death or great bodily harm *only* when he or she reasonably believes that such force is necessary:
 - 1. to prevent death or great bodily harm to the sworn member or to another person, or;
 - 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The actions of Officer Roth were in accordance with sections A(1) and A(2) of the Chicago Police Department's Deadly Force policy. Mr. [REDACTED] denied that he pointed the shotgun toward or in Officers Roth's direction. However, Mr. [REDACTED] provided two conflicting accounts of this incident to the Detectives and the States Attorney's Office. After initially denying that he was in possession of a shotgun, Mr. [REDACTED] eventually admitted to having a shotgun and throwing the shotgun from the vehicle.

Officer Roth provided a credible and consistent statement that was supported by Mr. [REDACTED] actions of fleeing and admitting to both being in possession of a shotgun and throwing it from the vehicle. [REDACTED] account of her incident with Mr. [REDACTED] also support Officer Roth, in that she also related that Mr. [REDACTED] pointed a "big gun" towards her. From his viewpoint, Officer Roth observed a non-compliant Mr. [REDACTED] in possession of a shotgun, pointed in his direction. Aware of Mr. [REDACTED] prior action of pointing the shotgun toward [REDACTED] and in reasonable fear for his and Officer Powers' lives, Officer Roth discharged two rounds toward Mr. [REDACTED] Based on the totality of the circumstances of this incident, Officer Roth justifiably discharged his weapon to prevent death or great bodily harm to himself and Officer Powers.

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SIGNATURES ONLY



#124

Inv. Darren Bowens, #124



IPRA Supervisor